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10/764,176	01/23/2004	Shelly D. Farnham	MS306553.1	7866

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,176

Applicant(s)

FARNHAM ET AL.

Examiner

Etienne P. LeRoux

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Status

Claims 1-36 are pending. Claims 1-36 are rejected as detailed below.

Drawings

The drawings are objected to because Figures 5 and 6 include material that is not legible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant must submit corrected drawing within three months of the mail date of this Office Action to prevent abandonment of instant application for patent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Pub No US

2002/0015733 issued to Sklar (hereafter Sklar).

Claim 1:

Sklar discloses:

a designator that analyzes data and creates a plurality of hierarchy levels, each hierarchy level represents subsets of the data designated as pivot points, the pivot point(s) for respective levels are selected from the data based upon relevance criteria to a user;

and a display component that can selectively display the pivot points to the user as a function of logical order and relevance to the user [Fig 10, paragraph 76, cluster icon is interpreted as pivot point]

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US

2004/0169688 issued to Burdick et al (hereafter Burdick).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claim 1:

Burdick discloses:

a designator that analyzes data and creates a plurality of hierarchy levels, each hierarchy level represents subsets of the data designated as pivot points, the pivot point(s) for respective levels are selected from the data based upon relevance criteria to a user;

and a display component that can selectively display the pivot points to the user as a function of logical order and relevance to the user [Fig 2, paragraph 24]

Claims 1, 5, 13, 14, 27-30 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2005/0076312 issued to Gardner (hereafter Gardner).

Claims 1, 27, 28 and 33-36:

Gardner discloses:

a designator that analyzes data and creates a plurality of hierarchy levels, each hierarchy level represents subsets of the data designated as pivot points, the pivot point(s) for respective levels are selected from the data based upon relevance criteria to a user;

and a display component that can selectively display the pivot points to the user as a function of logical order and relevance to the user [expand/collapse icon 10 is interpreted as pivot point, Figs 1 and 2, paragraph 16, abstract]

Claims 5, 29 and 30:

Gardner discloses a priority system with a classifier that determines the relevance of data to the user [paragraph 26].

Claim 13:

Gardner discloses the pivot point dynamically updated based on a state of the user [paragraph 17]

Claim 14:

Gardner discloses clicking a mouse on a designated area [abstract]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Pub No US 2002/0169840 issued to Sheldon et al (hereafter Sheldon).

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Claim 2:

Gardner discloses the elements of claim 1 as noted above but does not disclose the data comprises a list of people. Sheldon discloses the data comprises a list of people [Fig 3, paragraph 65]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gardner to include the data comprises a list of people as taught by Sheldon for the purpose of providing an e-mail communication method [Sheldon, abstract]

Claim 4:

The combination of Gardner and Sheldon disclose the elements of the claim 1 as noted above and furthermore discloses a chronological order [Sheldon, new and old, paragraph 65]

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner

Claim 3:

Gardner discloses the elements of claim 1 as noted above but does not disclose the logical order is alphabetical order. Official Notice is taken that an alphabetical order is well-known and expected in the art. The ordinary skilled artisan would have been motivated to modify Gardner to include an alphabetical order for the purpose of classifying data such that it can be easily retrieved.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Sklar.

Claim 6:

Gardner discloses the elements of claim 1 as noted above but does not disclose each expanded hierarchy level employs a different color or shade from a collapsed state thereof. Sklar discloses each expanded hierarchy level employs a different color or shade from a collapsed state thereof [Sklar, Fig 10]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gardner to include each expanded hierarchy level employs a different color or shade from a collapsed state thereof as taught by Sklar for the purpose of assisting the user in navigating the directory structure [Fig 10]

Claims 7, 11, 12, 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Applicant's Admitted prior art (hereafter AAPA).

Claims 7, 12 and 31:

Gardner discloses the elements of claim 1 as noted above but does not disclose the classifier is provided with at least one of an explicit and implicit training. AAPA discloses the classifier is provided with at least one of an explicit and implicit training [paragraph 44]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gardner to include the classifier is provided with at least one of an explicit and implicit training as taught by AAPA for the purpose of assisting the user to classify the data.

Claim 11:

Gardner discloses a decision tree model [paragraph 17]

Claim 20:

Gardner discloses the data comprises documents [paragraph 26]

Claims 8 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gardner and AAPA and further in view of Pub No US 2002/0161779 issued to Brierley et al (hereafter Brierley)

Claims 8 and 17-19:

The combination of Gardner and AAPA discloses the elements of claims 1, 5 and 7 as noted above but does not disclose the relevance criteria are in part based on a number of electronic messages sent from a user to a recipient in a predetermined time span. Brierley discloses the relevance criteria are in part based on a number of electronic messages sent from a user to a recipient in a predetermined time span [paragraph 78]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gardner and AAPA to include the relevance criteria are in part based on a number of electronic messages sent from a user to a recipient in a predetermined time span as taught by Brierley for the using a well-known ranking criterion such as frequency.

Claims 9, 15, 16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gardner and AAPA and further in view of Sheldon.

Claims 9, 15, 16 and 32:

The combination of Gardner and AAPA discloses the elements of claims 1, 5 and 7 as noted above but does not disclose the relevance criteria are in part based on content of electronic

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messages sent from a user to a recipient. Sheldon discloses the relevance criteria are in part based on content of electronic messages sent from a user to a recipient [paragraph 65, directory title bar]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include the relevance criteria are in part based on content of electronic messages sent from a user to a recipient as taught by Sheldon for the purpose of categorizing the data according to topic.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gardner, AAPA and Sheldon and further in view of Brierley.

Claim 10:

The combination of Gardner, AAPA and Sheldon discloses the elements of claims 1, 5, 7 and 9 as noted above but does not disclose the sent electronic messages assigned a priority and the relevance criteria determined therefrom. Brierley discloses the sent electronic messages assigned a priority and the relevance criteria determined therefrom [paragraph 78]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include the sent electronic messages assigned a priority and the relevance criteria determined therefrom as taught by Brierley for the purpose of categorizing the data according to a well-known ranking criterion such as frequency.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner and further in view of Pub No US 2002/0124133 issued to Duruoz (hereafter Duruoz).

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Claim 21:

Gardner discloses the elements of claim 1 as noted above but does not disclose the data comprises media. Duruoz discloses the data comprises media [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gardner to include the data comprises media as taught by Duruoz for the purpose of optimizing data storage and retrieval by an audio/visual system [Duruoz, abstract]

Claim 22:

The combination of Gardner and Duruoz discloses the elements of claims 1 and 21 as noted above and furthermore discloses audio files [Duruoz, abstract].

Claim 23:

The combination of Gardner and Duruoz discloses the elements of claims 1 and 21 as noted above and furthermore discloses video files [abstract]

Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Gardner and Duruoz and further in view of Pub No US 2002/0180803 issued to Kaplan et al (hereafter Kaplan).

Claim 24:

The combination of Gardner and Duruoz discloses the elements of claims 1 and 21 as noted above but does not disclose digital movies. Kaplan discloses digital movies [paragraph

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61]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include digital movies as taught by Kaplan for the purpose of providing a multimedia management system [Kaplan, abstract]

Claims 25 and 26:

The combination of Gardner and Duruoz discloses the elements of claim 1 as noted above and furthermore discloses a PDA [paragraph 39].

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday-Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

7/13/2006

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', written over the printed name and date.